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BILL ANALYSIS



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House Bill 4423 (Substitute H-7 as passed by the House)
House Bill 4424 (Substitute H-3 as passed by the House)
House Bill 4425 (Substitute H-3 as passed by the House)
House Bill 4426 (Substitute H-4 as passed by the House)
Sponsor: Representative Bradford C. Jacobsen (H.B. 4423 & 4424)
Representative Rick Outman (H.B. 4425)
Representative John Kivela (H.B. 4426)
House Committee: Transportation and Infrastructure
Senate Committee: Transportation

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CONTENT

House Bill 4423 (H-7) would amend Section 627 of the Michigan Vehicle Code to do the following:

- **Revise highway speed limits that are based on vehicular access points, and otherwise revise speed limits for specific areas.**
- **Establish a "rural freeway general speed limit" and an "urban freeway general speed limit" of 70 miles per hour (mph) for rural limited access freeways and urban limited access freeways where the speed limit was not otherwise set by the Code.**
- **Establish a minimum speed of 55 mph for rural and urban access freeways where a minimum speed was not otherwise set by the Code.**
- **Establish a "general speed limit" of 55 mph on trunk line highways and county highways where a speed limit was not otherwise set.**
- **Permit the Michigan Department of Transportation (MDOT) and the Michigan State Police to raise the speed limit on a section of a rural limited access highway to 75 mph, and to raise the speed limit on a section of trunk line highway to 60 mph, if certain conditions were met.**
- **Require MDOT and the MSP to increase the speed limits on at least 600 miles of rural limited access freeway and 900 miles of trunk line highway to the higher speed limits within a year after the bill's effective date.**
- **Establish speed limits for gravel roads.**
- **Provide that nothing in Section 627 would prevent the establishment of a modified speed limit after a speed study described in Section 628 (the section House Bill 4425 (H-3) would amend).**
- **Allow MDOT or a county road commission and the MSP to order a city, village, airport, college, university, or township to erect and maintain, take down, or regulate speed limit signs, signals, and devices if an investigation determined that doing so was in the interest of public safety.**
- **Require a public record of all traffic control orders establishing statutory speed limits authorized under the Code to be filed with one of several offices listed in the bill in which the county or local highway was located.**
- **Provide that certain speed limits would not be valid without the proper sign posting the speed limit and a traffic control order filing.**
- **Require all signs erected or placed to conform to the Michigan Manual on Uniform Traffic Control Devices.**

House Bill 4424 (H-3) would amend Section 627a of the Michigan Vehicle Code to do the following:

- Modify school zone speed limits, and the period under which they may be effective.
- Delete a provision that allows the prima facie speed limit for any street in a school zone that has sidewalks along at least one side to be set at the limit requested by the school superintendent with jurisdiction over the school within the school zone.
- Delete a provision allowing local authorities to increase or decrease the prima facie speed limit within a school zone under their jurisdiction.
- Require that "All Year School" signs be posted, where applicable.
- Allow louvered signs, digital message signs, and flashing lights to be installed to supplement permanent signs required by Section 627a.
- State that an individual who violated a school zone speed limit would be responsible for a civil infraction.
- Revise the definition of "school" and "school zone".

House Bill 4425 (H-3) would amend Section 628 of the Michigan Vehicle Code to do the following:

- Eliminate provisions pertaining to the determination and establishment of speed limits and the filing of a public record of speed control signs and signals.
- Eliminate a provision allowing a township board to petition the county board of commissioners for a speed limit change in charter counties with no road commission.
- Require MDOT and the MSP to jointly determine modified maximum or minimum speed limits on limited access freeways or trunk line highways.
- Require a local road authority to determine any modified speed limits on a local highway.
- Require a speed limit established under the Code to be determined by an engineering and safety study and by the 85th percentile speed of free-flowing traffic under ideal conditions rounded to the nearest multiple of five miles per hour.
- Specify the location for filing the public record of a traffic control order that established a modified speed for a limited access freeway, trunk line highway, or a local highway.

House Bill 4426 (H-4) would amend the Michigan Vehicle Code to do the following:

- Modify the number of points assigned for speeding by 10 miles per hour or less (except in work zones).
- Eliminate provisions that allow a local authority to regulate the speed of vehicles in public parks, and to increase the prima facie speed limits as authorized by the Code.
- Require MDOT to adopt a manual conforming to the Federal manual approved by the United States Department of Transportation, Federal Highway Administration.
- Require a traffic control device placed and maintained by MDOT or a local unit of government to conform to the Michigan Manual on Uniform Traffic Control Devices.
- Modify a requirement that MDOT withhold revenue otherwise due to local governments under the Michigan Transportation Fund law under certain circumstances.

Additionally, House Bill 4423 (H-7) would repeal Section 629 of the Code, which allows a local authority, subject to certain limitations, to establish or increase prima facie speed limits on highways and decrease the speed limit in public parks and highways adjacent to a public parks, and requires MDOT to establish speed limits on all trunk line highways according to certain criteria, among other things.

All of the bills are tie-barred to each other.

House Bill 4423 (H-7)

Speed Limits

Under Section 627 of the Code, an individual operating a vehicle on a highway must operate the vehicle at a careful and prudent speed not greater or less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition existing at the time. An individual may not operate a vehicle on a highway at a speed greater than that which will permit a stop within the assured, clear distance ahead. Under the bill, a violation of those provisions would be known as a violation of the basic speed law, or "VBSL".

Under the Code, except where a lower speed is specified or the speed is unsafe under the provisions stated above, it is prima facie lawful for the operator of a vehicle to operate it at a speed not exceeding the following:

- 25 mph on all highways in a business district.
- 25 mph in public parks unless a different speed is fixed and duly posted.
- 25 mph on all highways or parts of highways within the boundaries of land platted under the Land Division Act or the Condominium Act, unless a different speed is fixed and posted.
- 25 mph on a highway segment with 60 or more vehicular access points within one-half mile.
- 35 mph on a highway segment with at least 45 vehicular access points but not more than 59 vehicular access points within one-half mile.
- 45 mph on a highway segment with at least 30 vehicular access points but not more than 44 vehicular access points within one-half mile.

("Vehicular access point" means a driveway or intersecting roadway.)

Under the bill, instead, except as provided under the basic speed law, it would be lawful for the operator of a vehicle to operate it on a highway at a speed not exceeding the following:

- 15 mph on a highway segment within the boundaries of a mobile home park.
- 25 mph on a highway segment within a business district.
- 25 mph on a highway segment within the boundaries of a public park, although a local authority could decrease the speed limit to not less than 15 mph in a public park under its jurisdiction.
- 25 mph on a highway segment within the boundaries of a residential subdivision, including a condominium subdivision, consisting of a system of interconnected highways with no through highways and a limited number of dedicated highways that served as entrances to and exits from the subdivision.
- 25 mph on a highway segment with 60 or more vehicular access points within one-half mile.
- 30 mph on a highway segment with at least 50 vehicular access points but not more than 59 vehicular access points within on-half mile.
- 35 mph on a highway segment with at least 45 vehicular access points but not more than 49 vehicular access points within one-half mile.
- 40 mph on a highway segment with at least 40 vehicular access points but not more than 44 vehicular access points within one-half mile.

- 45 mph on a highway segment with at least 30 vehicular access points but not more than 39 vehicular access points within one-half mile.

All of the following would apply to the speed limits listed above:

- A highway segment adjacent to or lying between two or more mobile home parks, business districts, public parks, or residential or condominium subdivisions could not be considered to be within the boundaries of those areas.
- A highway segment more than one-half mile long with a consistent density of vehicular access points equal to the number of vehicular access points listed above would have to be posted at the speed limit specified in the adjoining segment, and a separate determination would have to be made for each adjoining highway segment where vehicular access point density was different.
- A speed limit could be posted on highways less than one-half mile long by prorating in 1/10-mile segments the vehicular access point density listed above.

The bill would delete a provision under which it is prima facie unlawful for an individual to exceed the speed limits currently prescribed, except as provided in Section 629 (the section the bill would repeal). Additionally, the bill would delete a provision prohibiting an individual operating a passenger vehicle drawing another vehicle or trailer from exceeding the posted speed limit.

Under the Code, an individual operating a vehicle in a mobile home park must operate the vehicle at a careful and prudent speed, not greater than a speed that is reasonable and proper, having due regard for the traffic, surface, width of the roadway, and all other conditions existing, and not greater than a speed that permits a stop within the assured clear distance ahead. It is prima facie unlawful for the operator of a vehicle to operate it at a speed exceeding 15 mph in a mobile home park. The bill would delete these provisions.

Under the Code, an individual operating a truck with a gross weight of 10,000 pounds or more, a truck-tractor, a truck-tractor with a semi-trailer or trailer, or a combination of these vehicles, may not exceed a speed of 55 mph on highways, streets, or freeways and may not exceed a speed of 35 mph when reduced loadings are being enforced in accordance with the Code. The bill would delete the provision prohibiting those vehicles from exceeding 55 mph on highways, streets, or freeways.

The Code prohibits an individual operating a school bus, truck, truck-tractor, or truck-tractor with a semi-trailer or trailer from exceeding a speed of 60 mph on a freeway if the maximum speed limit on that freeway is 70 mph. The bill provides that an individual operating a school bus, bus, truck with a gross weight of 10,000 pounds or more, truck-tractor, or truck-tractor with a semi-trailer or trailer or a combination of these vehicles could not exceed a speed that was 10 miles per hour less than the posted speed limit on a limited access freeway. The bill would also delete provisions under which an individual operating a modified agriculture vehicle may not exceed a speed of 45 mph, and the maximum rates of speeds allowed under Section 627 of the Code are subject to the maximum rate established under Section 629b (which allows the Governor to reduce the maximum speed limit on certain roadways pursuant to an executive order issued during a state of energy emergency).

The bill would require MDOT, a county road commission, or a local authority to decrease the speed limit in a hospital highway zone by up to 10 miles per hour on the request of a hospital located within that hospital highway zone. The Department, county road commission, or local authority could decrease the speed limit in a hospital highway zone by more than 10 miles per hour if the decrease were supported by an engineering and safety study. The Department, county road commission, or local authority would have to post speed limit signs in a hospital highway zone and identify that zone with any other traffic control devices necessary to conform to the Michigan Manual of Uniform Traffic Control Devices. If a change in a sign,

signal, or device were necessitated by a speed limit decrease described in these provisions, the hospital requesting the decrease would have to pay the cost of doing so. "Hospital highway zone" would mean a portion of State trunk line highway maintained by MDOT that has a posted speed limit of at least 50 mph and has two or fewer lanes for travel in the same direction, traverses along property owned by a hospital, contains an ingress and egress point from hospital property, and extends not further than 1,000 feet beyond the boundary lines of hospital property in both directions in a municipality.

Freeway Speed Limits

Under the bill, subject to speed limits raised by MDOT and the MSP (as described below), the speed limit on all rural limited access freeways on which a speed limit was not otherwise fixed under the Code would be 70 miles per hour, which would be known as the "rural freeway general speed limit". The minimum speed limit on all rural limited access freeways on which a minimum speed limit was not otherwise fixed under the Code would be 55 mph. "Rural limited access freeway" would mean a freeway segment that has been designated by MDOT and the MSP to be rural in nature.

Also, subject to speed limits raised by MDOT and the MSP, the maximum speed limit on all urban limited access freeways on which a speed limit was not otherwise fixed under the Code would be not more than 70 mph, which would be known as the "urban freeway general speed limit". The minimum speed limit on all urban limited access freeways on which a minimum speed limit was not otherwise fixed under the Code would be 55 mph. An urban limited access freeway speed limit could be set as provided in Section 628(5). (Under House Bill 4425 (H-3), Section 628(5) would require a speed limit established under the Code to be determined by an engineering and safety study and by the 85th percentile speed of free-flowing traffic under ideal conditions of a section of highway rounded to the nearest multiple of five miles per hour.) "Urban limited access freeway" would mean a freeway segment that has been designated by MDOT or the MSP to be urban in nature.

Within one year after the bill's effective date, MDOT and the MSP would have to designate all rural limited access freeways and urban limited access freeways within the State.

Trunk Line & County Highways

Under the bill, subject to speed limits increased by MDOT and the MSP, the speed limit on all trunk line highways and county highways on which a speed limit was not otherwise fixed under the Code would be 55 mph, and known as the "general speed limit".

The speed limit on all county highways with a gravel or unimproved surface on which a speed limit was not otherwise fixed under the Code would be 55 mph, which would be known as the "general gravel road speed limit". The speed limit on a county highway with a gravel or unimproved surface in a county with a population of 1.0 million or more would be 45 mph. Upon request of a municipality located within a county with a population of 1.0 million or more, the county road commission in conjunction with the MSP and the requesting municipality could decrease the speed limit on a county highway with a gravel or unimproved surface to not less than 35 mph. If a sign, signal, or device were erected or maintained, taken down, or regulated as a result of a request by a municipality, the municipality would have to pay the costs of doing so.

MDOT & MSP Speed Limit Increases

The bill would authorize MDOT and the MSP to raise the speed limit on a section of a rural limited access freeway to 75 mph, and to raise the speed limit on a trunk line highway to 60 mph if an engineering and safety study and the 85th percentile speed of free-flowing traffic under ideal conditions of that section contained findings that the speed limit could be raised.

Similarly, MDOT and the MSP could raise the speed limit on a section of trunk line highway to 65 mph if an engineering and safety study and the 85th percentile speed of free-flowing traffic under ideal conditions of that section contained findings that the speed limit could be raised.

Within one year after the bill's effective date, MDOT and the MSP would have to increase the speed limits on at least 600 miles of rural limited access freeway and 900 miles of trunk line highway to these speed limits.

Speed Limit Posting

Under the Code, subject to the provisions the bill would call "the basic speed law" and the speed limit within the boundaries of land platted under the Land Division Act or the Condominium Act, speed limits established under the Code are not valid unless properly posted. In the absence of a properly posted sign, the speed limit in effect is the general speed limit described in Section 628 of the Code. (Section 628, which House Bill 4425 (H-3) would amend, specifies that a maximum speed limit on all highways or parts of highways on which a maximum speed limit is not otherwise fixed under the Code is 55 mph.)

Under the bill, instead, except for the basic speed law, the speed limit within a residential or condominium subdivision, the rural and urban freeway general speed limit, the general speed limit, and the general gravel road speed limit, speed limits established under the Code would not be valid unless properly posted. In the absence of a properly posted sign, the speed limit in effect would be the basic speed law.

Absolute Speed Limit

The Code states that nothing in Section 627 prevents the establishment of an absolute speed limit under Section 628. Subject to the provisions the bill would call the basic speed law, an absolute speed limit established under Section 628 supersedes a prima facie speed limit established under Section 627. The bill instead states that nothing in Section 627 would prevent the establishment of a modified speed limit after a speed study described in Section 628. A modified speed limit established under that section would supersede a speed limit established under Section 627.

Traffic Control Orders

A public record of all traffic control orders establishing statutory speed limits authorized under the bill would have to be filed with the office of the clerk of the county in which the county highway was located or at the office of the city or village clerk or administrative office of the airport, college, or university in which the local highway was located, and a certified copy of the traffic control order would be evidence in every court of the State of the authority for the issuance of that traffic control order. The filed public record would not be required as evidence of authority for issuing a traffic control order in the case of signs temporarily erected or placed at points where construction, maintenance, or surveying activities were in progress.

Speed limits regarding a business district and vehicle access points outlined under the bill would not be valid unless a traffic control order was filed.

"Traffic control order" would mean a document filed with the proper authority that establishes the legal and enforceable speed limit for the highway segment described in the document.

Signs

The bill would require all signs erected or placed under to conform to the Michigan Manual on Uniform Traffic Control Devices. If, upon investigation, MDOT or the county road commission and the MSP determined that it was in the interest of public safety, they could order city,

village, airport, college, university, and township officials to erect and maintain, take down, or regulate speed limit signs, signals, and devices as directed. In default of an order, MDOT or the county road commission could cause designated signs, signals, and devices to be erected and maintained, removed, or regulated in the manner previously directed and pay the costs for doing so out of the designated highway fund.

House Bill 4424 (H-3)

School Zone Speed Limit

Under Section 627a of the Code, except as otherwise provided, the prima facie speed limit in a school zone must be 25 miles per hour, if permanent signs designating the school zone and the speed limit in the school zone are posted at the request of the school superintendent. The signs must conform to the Michigan Manual of Uniform Traffic Control Devices. The school speed limit must be in force at least 30 minutes but not more than one hour before the first regularly scheduled school session, until school begins, and from dismissal until at least 30 minutes but not more than one hour after the last regular session, and during a lunch period when students may leave the school.

Instead, under the bill, a school zone speed limit on a highway segment in a school zone could be decreased by not more than 20 miles per hour less than the speed limit normally posted but could not be less than 25 mph. Except as otherwise provided, the school zone speed limit would have to be in force for not more than 30 minutes before the first regularly scheduled school session until school began, and from dismissal until not more than 30 minutes after the last regular school session, both rounded to the nearest multiple of five minutes. A school superintendent could begin the 30-minute period before the first regularly scheduled school session at a time that was less than 30 minutes before the first session and that extended beyond the time school began, could begin the 30-minute period after dismissal at a time other than dismissal, and, if a school had an off-campus lunch period, could designate the period provided for off-campus lunch as a period during which the school zone speed limit applied.

Currently, the school zone speed limit does not apply to a limited access highway or to that portion of a street or highway over which a pedestrian overhead walkway is erected, if the walkway is adjacent to school property and is designed and located so as to be used, and is being used, as the principal means by which students of a school that has property adjacent to the walkway travel to and from the school. Under the bill, instead, school zone speed limits would not apply to a limited access highway or a highway segment over which a pedestrian overhead walkway was erected, if the walkway were adjacent to school property.

Currently, notwithstanding the 25 mph prima facie school zone speed limit, the prima facie speed limit for any street in a school zone that has sidewalks along at least one side of the street, which must be in force during the same periods that the school zone speed limit would otherwise be effective, may be set at the limit requested by the superintendent of schools with jurisdiction over the school within the school zone, but this limit may not be more than 15 miles per hour below the regularly posted speed limit for that street or less than 25 mph. The bill would delete this provision.

The bill also would delete a provision allowing local authorities to increase or decrease the prima facie speed limit within a school zone under their jurisdiction.

Signs

Under the Code, if appropriate, a school superintendent may request that a sign be erected in the school zone indicating that the school is in session year-round. The sign must be posted immediately below the school zone sign on the same signpost and must read "Year Round

School", and must conform to the Michigan Manual of Uniform Traffic Control Devices. The bill would require a sign reading "All Year School" to be posted on the same sign post.

The bill also would allow louvered signs, digital message signs, and flashing lights to be installed to supplement permanent signs required under Section 627a. Signs erected and maintained as required would have to conform to the Michigan Manual on Uniform Traffic Control Devices.

Civil Infraction

Under the bill, an individual who violated a school zone speed limit would be responsible for a civil infraction.

Definitions

The Code defines "school" as an educational institution operated by a local school district or by a private, denominational, or parochial organization. "School" does not include an educational institution that the Department of Education determines has its entire student population in residence at the institution. The bill also would exclude an educational institution to which all students are transported in motor vehicles.

Currently, "school zone" means school property on which a school building is located and the area adjacent to the property that is designated by signs required under the Code. Except as otherwise provided, a school zone extends not further than 1,000 feet from the property line of the school in each direction. The bill would define "school zone" as school property on which a school building is located and the adjacent property, extending not further than 1,000 feet from the school property line in any direction. If two or more schools occupied the same or adjacent property, one of the following would apply, as applicable:

- If the hours of instruction at the schools were the same, then a single combined school zone would be established.
- If the hours of instruction at the schools were different, overlapping school zones would be established.

House Bill 4425 (H-3)

Current Law

Section 628 of the Michigan Vehicle Code establishes the procedures and methods for determining minimum and maximum speed limits on State highways. If MDOT or the MSP determines on the basis of an investigation that the speed of traffic on a State trunk line highway is greater or less than is reasonable or safe under the conditions found there, MDOT or the MSP may determine and declare a reasonable and safe maximum or minimum speed limit on that highway or intersection that must be effective at the times determined when appropriate signs giving notice of the speed limit are placed at the intersection or other part of the highway. The maximum speed limit on all highways or parts of highways upon which a maximum speed limit is not otherwise fixed under the Code is 55 mph, which is known as the "general speed limit".

If the county road commission, the township board, and the MSP unanimously determine upon the basis of an engineering and traffic investigation that the speed of traffic on a county highway is greater or less than is reasonable or safe under the conditions found to exist on any part of the highway, then they may unanimously establish a reasonable and safe maximum or minimum speed limit on that county highway that is effective at the times determined appropriate when signs giving notice of the speed limit are erected.

If a school district superintendent determines that the speed of traffic on a State trunk line or county highway within 1,000 feet of a school in that school district is greater or less than is reasonable or safe, the officials identified in the preceding provisions must include the superintendent of the school district affected in acting jointly to determine a reasonable and safe maximum or minimum speed limit.

Except as otherwise provided, the maximum speed limit on all freeways is 70 mph unless MDOT and the MSP jointly determine that the speed of traffic on a freeway is greater or less than is reasonable or safe under the conditions found to exist upon a part of the freeway. In such cases, MDOT and the MSP acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit on that freeway (between a minimum of 55 mph and a maximum of 70 mph) that is effective when appropriate signs giving notice of the speed limit are erected. The minimum speed limit on all freeways is 55 mph unless a reduced speed is necessary for safe operation or in compliance with law or a special permit issued by an appropriate authority.

The maximum speeds allowed under Section 628 are subject to those speeds established under Sections 629b, 627(5) to (7) for certain vehicles, and Section 629(4). (Section 629b allows the Governor to reduce the speed limit on highways during a state of energy emergency. Section 627(5), (6) and (7) establish speed limits for certain vehicles or vehicle combinations (including passenger vehicles drawing a trailer, trucks and truck-trailers, and school buses). Section 629(4) allows local authorities to reduce the speed limit to a minimum of 25 mph on roads adjacent to a publicly owned park or playground.)

The bill would eliminate all of the above provisions except those allowing a county road commission, a township board, and the MSP to determine a speed limit unanimously.

Determination of Speed Limit

The bill would require MDOT and the MSP to determine jointly any modified maximum or minimum speed limits on limited access freeways or trunk line highways consistent with the requirements of Section 628. For local highways, a local road authority would have to determine any modified speed limits. "Local road authority" would mean the governing body of a city, village, airport, college, or university.

The bill would require a speed limit established under the Code to be determined by an engineering and safety study and by the 85th percentile speed of free-flowing traffic under ideal conditions of a section of highway rounded to the nearest multiple of five mph. If a highway segment included one or more features with a design speed that was lower than the speed limit determined by the study and 85th percentile speed, the road authority could post advisory signs.

The bill would require signs posted under Section 628 to conform to the Michigan Manual on Uniform Traffic Control Devices.

Local Petition for Speed Limit Change

The Code allows a township board to petition the county road commission for a proposed change in the speed limit for county highways that meet certain conditions. In a charter county with a county board of commissioners instead of a road commission, the township board may petition the board of commissioners for the proposed change. The bill would eliminate the provision allowing a township board to petition the county board of commissioners in charter counties with no road commission.

The bill would define "county road commission" as any of the following:

- The board of county road commissioners elected or appointed under Section 6 of Chapter 4 of Public Act 283 of 1909 (the county road law).
- In the case of the dissolution of the county road commission under Section 6 of Chapter 4 of the county road law, the county board of commissioners.
- In the case of a charter county with a population of 1.5 million or more with an elected county executive that does not have a board of county commissioners, the county executive.
- In the case of a charter county with a population of more than 750,000 but less than 1.0 million with an elected county executive that does not have a board of county road commissioners, the department of roads.

(The county road law provides for, among other things, the adoption of a county road system and the election or appointment of boards of county road commissioners.)

Filing of Public Record

Currently, a public record of all speed control signs, signals, or devices authorized under Section 628 must be filed in the office of the county clerk of the county in which the highway is located, and a certified copy is considered prima facie evidence in all courts of the issuance of the authorization. The record with the county clerk must not be required as prima facie evidence in the case of temporary signs for the control of speed or direction of traffic at points where construction, repairs, or maintenance of highways is in progress, or along an alternate route established to avoid those situations, if the signs are of uniform design approved by MDOT and the MSP. The bill would delete these provisions.

The bill would require the public record of a traffic control order that established a modified speed for a limited access freeway or trunk line highway to be filed at the office of the county clerk of the county in which the freeway or highway was located. A public record of a traffic control order that established a modified speed limit for a local highway would have to be filed at the office of the city or village, or administrative office of the airport, college, or university in which the highway was located. A certified copy of either order would be evidence in every court of this State of the authority for issuance of that order. "Traffic control order" would mean a document filed with the proper authority that establishes the legal and enforceable speed limit for the highway segment described in the document.

Civil Infraction

The Code specifies that a person who fails to observe an authorized speed or traffic control sign, signal, or device is responsible for a civil infraction. Under the bill, a person who violated a speed limit established under Section 628 would be responsible for a civil infraction.

House Bill 4426 (H-4)

Violations of the Code & Points

Section 320a of the Code prescribes the number of points to be assigned to a person's driving record for a conviction, civil infraction determination, or probate court disposition for a violation of the Code or another law pertaining to operation of a vehicle. Depending on the violation and circumstances, the number of points assigned ranges from one to six.

The points assigned for speeding depend on whether the violation occurs in a work zone or elsewhere. For speeding in a work zone, the points are as follows:

- Five points for speeding by more than 15 miles per hour.
- Four points for speeding by more than 10 but not more than 15 miles per hour.
- Three points for speeding by 10 miles per hour or less.

The points assigned for other speeding violations are as follows:

- Four points for speeding by more than 15 miles per hour.
- Three points for speeding by more than 10 but not more than 15 miles per hour.
- Two points for speeding by 10 miles per hour or less.

The bill would retain the current number of points assigned for speeding in a work zone, and would prescribe the following number of points for other speeding violations:

- Four points for speeding by more than 15 miles per hour.
- Three points for speeding by more than 10 but not more than 15 miles per hour.
- Two points for speeding by more than five but not more than 10 miles per hour.
- One point for speeding by more than one but not more than five miles per hour.

Local Regulations

Section 606 of the Code provides that Chapter 6 (Obedience to and Effect of Traffic Laws) does not prevent a local authority from regulating various activities with respect to streets or highways under the local authority's jurisdiction and within reasonable exercise of the police power. These activities include regulating the speed of vehicles in public parks, and increasing the prima facie speed limits as authorized by the Code. The bill would reference to those activities, and would require that any traffic regulations with respect to streets or highways under a local authority's jurisdiction be based on standard and accepted engineering practices as specified in the Michigan Manual on Uniform Traffic Control Devices.

Uniform System of Traffic Controls

The Code requires the Department of Transportation and the Department of State Police to adopt a manual and specifications for a uniform system of traffic control devices for use upon State highways. The uniform system must correlate with and conform to the system as approved by the American Association of State Highway Officials and may be revised whenever necessary to carry out the Code's provisions. The bill would require the manual to correlate with and conform to the Federal manual approved by the United States Department of Transportation, Federal Highway Administration. The bill specifies that definitions and meanings found in the adopted manual would be supplemental to definitions found in Chapter 1 (Words and Phrases Defined) of the Code. However, if a definition or meaning found in the manual conflicted with a definition in Chapter 1, the Chapter 1 definition would prevail.

The Code allows MDOT, local authorities, and county road commissions to place and maintain the traffic control devices they deem necessary on roads under their respective jurisdiction. The bill would require those traffic control devices to conform to the Michigan Manual on Uniform Traffic Control Devices.

Tax Revenue Withholding

The Code requires MDOT to withhold from any township, incorporated village, city or county that fails to comply with Sections 608, 609, 612, and 613, the share of weight and gasoline tax refunds otherwise due the township, village, city, or county. Notice of the failure, and a reasonable time to comply, must be given before money is withheld. The bill would eliminate the references to a township, and would include Section 606 among the sections with which local governments must comply. Instead of weight and gasoline tax refunds, the bill would refer to fuel and vehicle tax revenue otherwise due under Section 10 of Public Act 51 of 1951, the Michigan Transportation Fund law. The bill would allow one year to comply after notice was given.

(Public Act 51 of 1951 establishes the Michigan Transportation Fund and governs the distribution of revenue collected from various transportation-related taxes and fees. The revenue is directed to several State transportation funds, including the State Trunkline Fund; transportation programs; and local units of governments.)

MCL 257.627 (H.B. 4423)
257.627a & 257.633 (H.B. 4424)
257.628 (H.B. 4425)
257.320a et al. (H.B. 4426)

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FISCAL IMPACT

The bills would have an indeterminate fiscal impact on Michigan Department of Transportation funds. No new revenue would be created by the bills. Increased costs would likely come from signage and minor infrastructure design changes due to increased speeds. Indirect costs associated with fatal crashes and increased fuel consumption are not considered in this analysis. Indirect benefits related to reduced travel time also are not considered in this analysis.

House Bill 4423 (H-7) would allow MDOT and the Michigan State Police to raise speed limits on a section of a rural limited access freeway or a trunk line highway "if an engineering and safety study and the eighty-fifth percentile speed of free-flowing traffic under ideal conditions of that section contains findings that the speed limit may be raised". It is not known how many freeway and highway miles would meet these qualifications.

Increasing a speed limit on a Michigan limited access freeway or trunk line highway beyond the original design speed can create costs if any of the following road characteristics require adjustment: horizontal curvature, vertical alignment, sight distances, guardrail lengths, lengths of auxiliary lanes and tapers, lengths of passing/no passing zones, warning sign distances, and traffic signal clearance intervals.¹ Major design and infrastructure changes to roadways to accommodate higher speeds can cost several million dollars per mile.² House Bill 4423 (H-7) would avoid raising speed limits in areas that would require major design and infrastructure changes because it would require an engineering and safety study and a determination by MDOT and MSP that a speed limit could be raised safely.

Signage costs can vary. As of 2014, speed limit sign replacement costs were \$730 per mile on freeways and \$63 per mile on non-freeways.³ The bill would potentially require increasing the speed limits on 600 miles of rural limited access freeway and 900 miles of trunkline highway. Based upon the 2014 estimates, and assuming 600 miles of freeway and 900 miles of highway qualified for a higher speed, the signage costs for full replacement of speed limit signs for affected roadways would be \$494,700 ((600 x \$730) + (900 x \$63)). The use of overlays instead of full signage replacement could reduce this cost by, at most, 80%.⁴ Additional costs for other signage (e.g., warning signs) or other minor design changes (e.g., shifting passing zones) are not known at this time.

The bills also would have a minimal fiscal impact on the Department of State Police, requiring the Department to assume responsibilities that are mostly currently performed and funded by existing resources.

¹ *Evaluating the Impacts of Speed Limit Policy Alternatives*, Peter Savolainen, et al. July 21, 2014, MDOT Research Project Number OR 13-009, pp 86, 97.

² *Id.* See also, *Evaluating Outcomes of Raising Speed Limits on High Speed Non-Freeways*, Timothy Gates, et al. April 2, 2015, MDOT Research Project Number RC 1609B.

³ *Evaluating the Impacts*, p. 85.

⁴ *Id.*

In addition, House Bill 4426 (H-4) would have a minimal fiscal impact for the Department of State for programming costs related to the updating of the points structure; however, any increased costs for the Department should be absorbed within current annual appropriations and thus additional funding would not be necessary.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.